

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II
2018 OCT -9 PM 1:12
STATE OF WASHINGTON
BY AP
DEPUTY

STATE OF WASHINGTON)

Respondent,)

v.)

NANAMBI GARNET)

(your name))

Appellant.)

No. 51769-8

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I, NANAMBI GARNET, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

INEFFECTIVE ASSISTANCE OF COUNSEL. MRS PAGE AND I DISCUSSED THAT THERE WAS NOT TO BE ANY DRUG URINE ANALYSIS OR DRUG TESTING JUST PREPARING FOR MENTAL HEALTH ISSUES AS SUPPORTED IN THE FACTS OF THE CASE. IN THE FACTS OF THE CASE AND PROBABLE CAUSE THERE ARE NO ALLEGATIONS OF DRUG USE OR ANYTHING NEAR ANY DRUG INVOLVEMENT. MY INTENT IS TO STRIKE THE (SEE ATTACHED #A.)

Additional Ground 2


VAGUE RECORD AS CONDITIONS OF COMMUNITY PLACEMENT STATE ON JUDGEMENT AND SENTENCE THAT "OTHER CONDITION" AND PERIOD IN AS "PER LCO" NEVER LISTING ANY OF THE CONDITION MY LCO MIGHT APPLY TO ME. THIS ALSO PERTAINS TO THE CONDITION OF "MAINTAIN LAB" * SEE ATTACHMENT (B) **

If there are additional grounds, a brief summary is attached to this statement.

Date:

10/3/18

Signature:



RULE OF APPELLATE PROCEDURE 10.10

STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

(a) Statement Permitted. A defendant/appellant in a review of a criminal case may file a pro se statement of additional grounds for review to identify and discuss those matters which the defendant/appellant believes have not been adequately addressed by the brief filed by the defendant/appellant's counsel.

(b) Length and Legibility. The statement, which shall be limited to no more than 50 pages, may be submitted in handwriting so long as it is legible and can be reproduced by the clerk.

(c) Citations; Identification of Errors. Reference to the record and citation to authorities are not necessary or required, but the appellate court will not consider a defendant/appellant's statement of additional grounds for review if it does not inform the court of the nature and occurrence of alleged errors. Except as required in cases in which counsel files a motion to withdraw as set forth in RAP 18.3(a)(2), the appellate court is not obligated to search the record in support of claims made in a defendant/appellant's statement of additional grounds for review.

(d) Time for Filing. The statement of additional grounds for review should be filed within 30 days after service upon the defendant/appellant of the brief prepared by defendant/appellant's counsel and the mailing of a notice from the clerk of the appellate court advising the defendant/appellant of the substance of this rule. The clerk will advise all parties if the defendant/appellant files a statement of additional grounds for review.

(e) Report of Proceedings. If within 30 days after service of the brief prepared by defendant/appellant's counsel, defendant/appellant requests a copy of the verbatim report of proceedings from defendant/appellant's counsel, counsel should promptly serve a copy of the verbatim report of proceedings on the defendant/appellant and should file in the appellate court proof of such service. The pro se statement of additional grounds for review should then be filed within 30 days after service of the verbatim report of proceedings. The cost for producing and mailing the verbatim report of proceedings for an indigent defendant/appellant will be reimbursed to counsel from the Office of Public Defense in accordance with Title 15 of these rules.

(f) Additional Briefing. The appellate court may, in the exercise of its discretion, request additional briefing from counsel to address issues raised in the defendant/appellant's pro se statement.

1 of 2 Attachment (A)

the Requirement of Submitting to Urine Testing as part of Conditions of Community Placement. Also to Strike any Requirement of Programming for Drugs other than programming for Mental Health Issues. Again Me and Mrs Page discussed this when we went over the Judgement and Sentence but she did not clarify it to the court or on the paperwork as she told me. Here there is ineffective Assistance of Counsel. I am not requesting to cancel out guilty plea, fines, or "time" sentenced to. Because of ineffective Assistance of Counsel, just on the clarifications to the above specifics of Submitting to Urine testing and any Requirement of Classes or Programming for Drugs. As stated in transcripts, I stated I was only agreeing to the "programming" which was discussed by me and my attorney which was related to Mental Health Issues.

Attachment (A)

2012

This issue is actually two issues. (1) Ineffective Assistance of Counsel and (2) Wrongfully Applied Conditions of Community Placement.

(A) Submitting to Urine testing
(B) Any Requirement of me to participate in programming not related to facts of my case or crime of Conviction... Drug-Related Programming.

These issues are supported by following Case Law and RCW's.

State v. Warren 165 Wn.2d 17, 32
195 P.3d 940 (2008)

RCW 9.94A.703(3)(A) which states Court can only impose crime-related conditions.

RCW 9.94A.030(10) Crime-related predations. only. and not to construe or and Conditions or Requirements of Programming not directly related to circumstances of Case.

1 of 1

Attachment (B)

on the Judgement and Sentence. I have no Idea what this condition means and what "LAB" means. Again this is Vague and Unclear. And pertaining to the Community Placement "Per CCO" This Argument is Supported by case law

- (#1) State v. Bahr 164 Wn. 2d
- (#2) State v. Valencia 169 Wn. 2d 782 (2010)
239 P.3d 1050
- (#3) State v. Armentariz 160 Wn. 2d 106, 110,
156 P.3d 201 (2007)
- (#4) State v. Warren 165 Wn. 2d 17, 32,
195 P.3d 940 (2008)

RCW 9.94A.703 states that the court can only impose crime related prohibitions Also RCW 9.94A.030(10) states Conditions can only be required that directly relates to the circumstances of the crime of Conviction and not be construed to require me to participate in rehabilitative programs.